

28-15-18. Operation and maintenance requirements. (a) Each person ~~who~~ that operates a public water supply system shall ensure that the system is operated, maintained, and supervised by certified personnel ~~in accordance with~~ pursuant to K.S.A. 65-4501 through ~~K.S.A. 65-4517~~, and amendments thereto.

(b) Each person ~~who~~ that operates a public water supply system shall immediately notify the department and responsible local officials of any situation with the water system, including a major breakdown or serious loss of water service, that presents or could present an imminent and substantial endangerment to health.

(c) Each person ~~who~~ that operates a community water supply system shall prepare an emergency operations plan to safeguard the water supply for the protection of the public if natural or man-made disasters occur. Each emergency operation-plans operations plan shall be submitted to the secretary for review and consideration for approval ~~based on the secretary's assessment of whether the plan would safeguard the water supply to ensure that the plan is~~ protective of public health, safety, and the environment.

(d) Newly constructed or repaired water distribution mains and finished water storage facilities shall be flushed and disinfected before use.

(e) Each community water supply system shall be operated and maintained to provide a minimum positive pressure of 20 psi (140 kN/m²) throughout the entire distribution system except under extraordinary conditions including unusual peak fire flow demand and major distribution system breaks.

(f) Each person ~~who~~ that operates a community water supply system and each person ~~who~~ that operates a high-risk non-community system designed by the department shall have a

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regular program for the detection and elimination of cross-connections and prevention of backflow and backsiphonage.

(g) ~~All~~ Each finished water ~~reservoirs~~ reservoir shall be covered by a permanent protective material and shall be vented and screened.

(h) Public water supply system components and protective coatings in contact with water intended for public consumption, and chemicals used in the treatment of water, shall be used to ensure the protection of public health and the environment.

(i) Each person ~~who~~ that operates a public water supply system shall respond in writing no later than ~~45~~ 30 days after receipt of a sanitary survey report describing how and on what schedule the system will address significant deficiencies identified in the survey. (Authorized by K.S.A. 65-171m; implementing K.S.A. 65-171h; effective May 1, 1982; amended Oct. 1, 2004; amended P-_____.)

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28-15-19. Disinfection of drinking water. (a) All drinking water supplied to the public from a public water supply system shall be disinfected.

(b) ~~When chlorination is employed,~~ A sufficient amount of chlorine shall be added to the water to maintain a ~~distribution system~~ chlorine residual of at least 0.2 mg/l of free chlorine or 1.0 mg/l of ~~combined total~~ chlorine throughout the entire distribution system.

(1) Failure to maintain a residual as specified ~~above~~ in this subsection in more than five percent of measurements taken each month, in any two consecutive months, shall be ~~deemed~~ a violation of this regulation and shall be reported to the department by the tenth day following the month in which the violation occurred.

(2) Each day the public water supply system serves water to its customers, the operator shall make a determination of the chlorine residual: as follows:

(A) The operator shall make a daily determination to ensure that the residual levels required by this subsection are maintained. The operator shall vary sampling locations throughout the distribution system.

(B) ~~The data shall be recorded in such a manner that the department can determine whether the requirements of this rule and regulation have been met~~ The operator shall record and maintain data to demonstrate to the department that the public water supply system is in compliance with the requirements of this regulation.

(3) If the chlorine residual is less than the minimum level required by this subsection, the operator shall take appropriate action to increase the chlorine residual to the level specified in this subsection. (Authorized by and implementing K.S.A. 65-171m; effective May 1, 1982; amended Sept. 26, 1994; amended P-_____.)

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28-15a-2. Definitions; replaced terms. (a) For the purposes of ~~articles 15 and 15a~~ this article and article 15 of the department's regulations, the definitions ~~contained~~ in 40 ~~CFR~~ C.F.R. 141.2, as in effect on ~~July 1, 2003~~ July 1, 2015, are hereby adopted by reference with the following alterations:

(1)(A) The definition of "Public water system" shall be replaced with the following:

" 'Public water supply system' means a system for the provision to the public of water for human consumption through pipes or, after August 5, 1998, other constructed conveyances, if the system has at least 10 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. This term shall include the following:

"(1) Any collection, treatment, storage, and distribution facilities under control of the operator of the system and used primarily in connection with the system; and

"(2) any collection or pretreatment storage facilities not under this control that are used primarily in connection with the system.

"This term shall not include any 'special irrigation district.'

"Each public water supply system shall be deemed either a 'community water supply system' or a 'non-community water supply system.' "

(B) The term "public water supply system" shall replace the term "public water system" wherever the latter term appears in any of the text adopted in this article.

(2) The definition of "Community water system" shall be replaced with the following:

" 'Community water supply system' means a public water supply system which has at least 10 service connections used by year-round residents or regularly serves at least 25 year-round residents."

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The term “community water supply system” shall replace the term “community water system” wherever the latter term appears in any of the text adopted in this article.

(3) The definition of “Person” shall be replaced by the following: “ ‘Person’ means an individual, corporation, company, institution, association, partnership, township, municipality, county, state, or federal agency that owns, administers, operates, or maintains a public water supply system that includes a community water supply system or a non-community water supply system.”

(4) The following definitions shall be added to 40 ~~CFR~~ C.F.R. 141.2:

(A) “Administrator” means administrator of the environmental protection agency.

(B) “Approved laboratory” means a laboratory certified and approved by the department to analyze water samples to determine compliance with maximum contaminant levels or to perform other required analyses.

(C) “Department” and “primacy agency” mean ~~the~~ Kansas department of health and environment.

(D) “Distribution system” means the system of conduits and appurtenances by which a water supply is distributed to customers.

(E) “Laboratory tests” means all bacteriological, chemical, physical, or radiological tests made by either the departmental laboratory or an approved laboratory on water samples that were submitted by the operator of a public water supply system to confirm the quality of water.

(F) “Operating records and reports” means the daily record and the monthly report of data connected with the operation of the public water supply system’s facilities.

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(G) “Secretary” ~~and “state” mean the~~ means secretary of the Kansas department of health and environment.

(H) “Significant deficiency” means any defect in a public water supply system’s design, operation, maintenance, or administration, as well as any failure or malfunction of any system component that causes, or has the potential to cause, an unacceptable risk to health or that could affect the reliable delivery of safe drinking water.

(I) “Turbidity” means the cloudy condition of water caused by the presence of finely suspended matter, including clay, silt, plankton, and microscopic organisms, resulting in the scattering and absorption of light rays. Turbidity is measured in nephelometric turbidity units (NTU).

(b) For the purposes of this article and article 15 of the department’s regulations, the following terms and phrases appearing in the federal regulations adopted by reference in ~~these~~ this article and article 15 of the department’s regulations shall be defined or replaced as specified in this subsection:

(1) “Must” shall be replaced by “shall.”

(2) “SDWA” means the safe drinking water act, 42 U.S.C.S. ~~§300f et seq., formerly Pub. L. 104-182 et seq.~~ 42 U.S.C. Sec. 300f et seq., and amendments thereto.

(2) (3) “This part” and “part” shall be replaced by “this article” and “article.”

(3) (4) “This subpart” and “subpart” mean that specific, named group of primary drinking water regulations in which the regulation is placed within this article.

(4) ~~“Must” shall be replaced by “shall.”~~ (Authorized by and implementing K.S.A. 65-

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171m; effective Oct. 1, 2004; amended P-_____.)

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28-15a-3. Coverage; conditions for exclusion. The provisions of 40 ~~CFR~~ C.F.R. 141.3, as in effect on ~~July 1, 2003~~ July 1, 2015, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended P-_____.)

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28-15a-4. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

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28-15a-6. Effective dates. (a) ~~The provisions of 40 CFR 141.6(j), as in effect on July 1, 2003, are hereby adopted by reference.~~

(b) ~~The following text shall be added: "All internal requirements regarding effective dates which have passed, completion dates which have passed, or beginning compliance dates which have passed within a C.F.R. that is adopted by reference shall be replaced with the date these regulations become effective."~~ For each requirement in any portion of a C.F.R. adopted by reference in this article of the department's regulations with an expired effective date, completion date, or beginning compliance date, that expired date shall be replaced with the effective date of this regulation. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended P-_____.)

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28-15a-11. Maximum contaminant levels for inorganic chemicals. The provisions of 40 ~~CFR~~
C.F.R. 141.11(d), as in effect on ~~July 1, 2003~~ July 1, 2015, are hereby adopted by reference.

(Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended

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28-15a-21. Coliform sampling. Each person who operates a public water supply system shall comply with the following monitoring and analytical requirements for coliforms ~~contained in 40 CFR 141.21, as in effect on July 1, 2003 and hereby adopted by reference except for 141.21(a)(2) and (a)(3), which are replaced with the following text:~~

“(a)(2) The sampling period for microbiological compliance shall be one calendar month for all public water supply systems.

~~“(a)(3) Number of required samples.~~

“(i) (b)(1) Each person that operates a public water supply system that uses surface water as its source of supply and serves a population of 4,100 or less shall take a ~~minimum of~~ at least four water samples during each sampling period.

“(ii) (2) Each person that operates a public water supply system that uses surface water as its source of supply and serves a population greater than 4,100 shall take water samples according to the ~~schedule prescribed~~ table in subsection ~~(a)(3)(iv)~~ (c).

“(iii) (3) Each person that operates a public water supply system that uses groundwater, not including groundwater under direct influence of surface water, as its source of supply and each person that operates a public water supply system that purchases water from another public water supply system shall take water samples according to the ~~schedule specified~~ table in ~~paragraph (a)(3)(iv)~~ subsection (c).

“(iv) (c) Each person that operates a public water supply system shall ~~assure~~ ensure that routine samples are collected at regular time intervals and analyzed for total coliform bacteria as specified in the following table: :

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Population Served	Minimum number of samples per sampling period
25 to 2,500	2
2,501 to 3,300	3
3,301 to 4,100	4
4,101 to 4,900	5
4,901 to 5,800	6
5,801 to 6,700	7
6,701 to 7,600	8
7,601 to 8,500	9
8,501 to 12,900	10
12,901 to 17,200	15
17,201 to 21,500	20
21,501 to 25,000	25
25,001 to 33,000	30
33,001 to 41,000	40
41,001 to 50,000	50
50,001 to 59,000	60
59,001 to 70,000	70
70,001 to 83,000	80
83,001 to 96,000	90

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96,001 to 130,000	100
130,001 to 220,000	120
220,001 to 320,000	150
320,001 to 450,000	180

For each additional 150,000 in population, an additional 30 water samples shall be analyzed ~~per~~ for each sampling period.” (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended P-_____.)

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28-15a-23. Inorganic chemical sampling and analytical requirements. Each person ~~who~~ that operates a public water supply system shall comply with the sampling and analytical requirements specified in 40 ~~CFR~~ C.F.R. 141.23, as in effect on ~~July 1, 2003~~ July 1, 2015 and hereby adopted by reference, with the addition of the following text, which shall be added at the beginning of 40 ~~CFR~~ C.F.R. 141.23(c):

“Inorganic analysis for calcium, chloride, iron, magnesium, manganese, pH, potassium, silica, sodium, specific conductance, sulfate, total alkalinity, total dissolved solids, total hardness, and total phosphorus shall be required from each community water supply system with its own source of supply and from each non-transient, non-community water supply system with its own source of supply. Each person operating a groundwater system shall take one sample at each sampling point during each compliance period. Each person operating a surface water system (or combined surface water and groundwater system) shall take one sample annually at each sampling point.” (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended P-_____.)

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28-15a-24. Requirements for sampling and analyzing organic chemicals. The provisions of 40
~~CFR~~ C.F.R 141.24, as in effect on ~~July 1, 2003~~ July 1, 2015, are hereby adopted by reference.

(Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended

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28-15a-25. Analytical methods for measuring radioactivity. The provisions of 40 ~~CFR~~ C.F.R. 141.25, as in effect on ~~July 1, 2003~~ July 1, 2015, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended

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28-15a-26. Frequency of monitoring for radioactivity. The provisions of 40 ~~CFR~~ C.F.R. 141.26, as in effect on ~~July 1, 2003~~ July 1, 2015, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended P-_____.)

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28-15a-27. Alternate analytical techniques and testing methods. ~~(a) The provisions of 40 CFR 141.27, as in effect on July 1, 2003, following documents~~ are hereby adopted by reference: :

(1) 40 C.F.R. 141.27, as in effect on July 1, 2015; and

(2) 40 C.F.R. Part 141, subpart C, appendix A, as in effect on July 1, 2009 and as amended by 74 fed. reg. 38353-38358 (2009) and 74 fed. reg. 57915-57918 (2009).

(b) In addition to the requirements of 40 C.F.R. 141.27 and appendix A to subpart C of part 141 as adopted in subsection (a), each person that operates a public water supply system shall ensure that the analyses of drinking water samples required by this article of the department's regulations are performed in accordance with the approved methods listed in appendix A for contaminants, disinfectant residuals, and parameters.

(c) If drinking water samples are required by this article of the department's regulations to be analyzed, each person that operates a public water supply system shall ensure that the analysis is conducted by an accredited laboratory as specified in K.A.R. 28-15-35. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended P-_____.)

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28-15a-28. Approved laboratories. The provisions of 40 ~~CFR~~ C.F.R. 141.28, as in effect on ~~July~~
~~1, 2003~~ July 1, 2015, are hereby adopted by reference. (Authorized by and implementing K.S.A.
65-171m; effective Oct. 1, 2004; amended P-_____.)

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28-15a-29. Monitoring of consecutive public water supply systems. The provisions of 40 ~~CFR~~
C.F.R. 141.29, as in effect on ~~July 1, 2003~~ July 1, 2015, are hereby adopted by reference.

(Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended

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28-15a-31. General reporting requirements. The provisions of 40 ~~CFR~~ C.F.R. 141.31, as in effect on ~~July 1, 2003~~ July 1, 2015, are hereby adopted by reference, except that "subpart Q of this part" shall be replaced by "K.A.R. 28-15a-201." (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended P-_____.)

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28-15a-32. Electronic reporting requirements. (a) No later than six months after written notification from the department, each person that operates a public water supply system shall meet the following requirements:

(1) Submit to the department a written acknowledgment of compliance with the electronic submission requirement; and

(2) commence the submission of all required documents, including surveys, assessments, reports, monitoring, and compliance data, by only electronic means.

(b) Each electronic submission shall be made according to the department's designated procedures. (Authorized by and implementing K.S.A. 65-171m; effective

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28-15a-33. General record maintenance. The provisions of 40 ~~CFR~~ C.F.R. 141.33, as in effect on ~~July 1, 2003~~ July 1, 2015, are hereby adopted by reference, except that "subpart Q of this part" shall be replaced by "K.A.R. 28-15a-201." (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended P-_____.)

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28-15a-41. Special monitoring for sodium. The provisions of 40 ~~CFR~~ C.F.R. 141.41, as in effect on ~~July 1, 2003~~ July 1, 2015, are hereby adopted by reference, except that the last sentence of 141.41(b) shall not be adopted. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended P-_____.)

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28-15a-42. Special monitoring for corrosivity characteristics. The provisions of 40 C.F.R. 141.42, as in effect on ~~July 1, 2003~~ July 1, 2015, are hereby adopted by reference, except that in paragraph (d), the text “In addition, States may require identification and reporting of other materials of construction present in distribution systems that may contribute contaminants to the drinking water, such as:” shall be replaced by the following text: “Community water supply systems shall identify whether the following construction materials are present in their distribution system and shall report to the department:” . (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended P-_____.)

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28-15a-43. Prohibition on use of lead pipes, solder, and flux. The provisions of 40 ~~CFR~~ C.F.R. 141.43(a) and (d) as in effect on ~~July 1, 2003~~ July 1, 2015, are hereby adopted by reference, except that 40 C.F.R. 141.43(d)(2) shall be replaced with the following text:

“(d)(2) When used with respect to pipes and pipe fitting refers to pipes and pipe fittings containing not more than 0.25% lead calculated across the wetted surfaces of a pipe, pipe fitting, plumbing fitting, and fixture.” (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended P- _____.)

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28-15a-60. Effective dates for maximum contaminant levels and maximum residual disinfectant levels. The provisions of 40 ~~CFR~~ C.F.R. 141.60, as in effect on ~~July 1, 2003~~ July 1, 2015, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended P-_____.)

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28-15a-61. Maximum contaminant levels for organic contaminants. The provisions of 40 ~~CFR~~
C.F.R. 141.61, as in effect on ~~July 1, 2003~~ July 1, 2015, are hereby adopted by reference.

(Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended

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28-15a-62. Maximum contaminant levels for inorganic contaminants. The provisions of 40 CFR C.F.R. 141.62, as in effect on ~~July 1, 2003~~ July 1, 2015, are hereby adopted by reference with the addition of the following text:

~~“(e) The maximum contaminant level for arsenic shall apply only to community water supply systems. The analyses and determination of compliance with the 0.05 milligrams per liter maximum contaminant level for arsenic shall conform to the requirements of K.A.R. 28-15a-23.~~

~~“(f) The maximum contaminant level for arsenic shall be 0.05 milligrams per liter for community water supply systems until January 23, 2006.”~~ . (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended P-_____.)

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28-15a-63. Maximum contaminant levels for microbiological contaminants. The provisions of 40 ~~CFR~~ C.F.R. 141.63(c), (e), and (f), as in effect on ~~July 1, 2003~~ July 1, 2015, are hereby adopted by reference, except that "subpart Q of this part" shall be replaced by "K.A.R. 28-15a-201" and "subpart Y of this part" shall be replaced by "K.A.R. 28-15a-851." (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended P- _____.)

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28-15a-64. Maximum contaminant levels for disinfection ~~byproducts~~ by-products. The provisions of 40 ~~CFR~~ C.F.R. 141.64, as in effect on ~~July 1, 2003~~ July 1, 2015, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended P-_____.)

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28-15a-65. Maximum residual disinfectant levels. The provisions of 40 ~~CFR~~ C.F.R. 141.65, as in effect on ~~July 1, 2003~~ July 1, 2015, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended P- _____.)

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28-15a-66. Maximum contaminant levels for radionuclides. The provisions of 40 ~~CFR~~ C.F.R. 141.66, as in effect on ~~July 1, 2003~~ July 1, 2015, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended P-_____.)

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28-15a-70. ~~General~~ Requirements for filtration and disinfection. The provisions of 40 C.F.R. 141.70 ~~(a) through (e)~~ and 40 C.F.R. 141.72 through 40 C.F.R. 141.76, as in effect on ~~July 1, 2003~~ July 1, 2015, are hereby adopted by reference with the following alterations:

(a) 40 C.F.R. 141.72(a) shall be deleted.

(b) 40 C.F.R. 141.72(b)(3)(i) shall be replaced with the following text:

“A sufficient amount of chlorine shall be added to the water to maintain a chlorine residual of at least 0.2 mg/L of free chlorine or 1.0 mg/L of total chlorine throughout the entire distribution system.

“Failure to maintain a residual as specified in 141.72(b)(3)(i) in more than five percent of measurements taken each month, in any two consecutive months, shall be a violation of this regulation and shall be reported to the department by the tenth day following the month in which the violation occurred.

“Each day the public water supply system serves water to customers, the operator shall make a measurement of the chlorine residual. The operator shall record and maintain data to demonstrate to the department that the public water supply system is in compliance with the requirements of 141.72(b)(3)(i).”

(c) 40 C.F.R. 141.74(b) and 141.75(a)(1) and (a)(2) shall be deleted.

(d) The first sentence of 40 C.F.R. 141.74(c)(3)(i) shall be deleted. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended P- _____.)

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28-15a-72. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

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28-15a-73. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

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28-15a-74. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

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28-15a-75. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

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28-15a-76. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

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28-15a-80. ~~General~~ Requirements for the control of lead and copper. The provisions of 40 ~~CFR~~
C.F.R. 141.80 through 141.91, as in effect on ~~July 1, 2003~~ July 1, 2015, are hereby adopted by
reference-, except that "subpart I" shall be replaced by "K.A.R. 28-15a-80." (Authorized by and
implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended P-_____.)

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DEPT. OF ADMINISTRATION

28-15a-81. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 08 2017

DEPT. OF ADMINISTRATION

28-15a-82. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 08 2017

DEPT. OF ADMINISTRATION

28-15a-83. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 08 2017

DEPT. OF ADMINISTRATION

28-15a-84. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 08 2017

DEPT. OF ADMINISTRATION

28-15a-85. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 08 2017

DEPT. OF ADMINISTRATION

28-15a-86. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 08 2017

DEPT. OF ADMINISTRATION

28-15a-87. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 08 2017

DEPT. OF ADMINISTRATION

28-15a-88. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 08 2017

DEPT. OF ADMINISTRATION

28-15a-89. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 08 2017

DEPT. OF ADMINISTRATION

28-15a-90. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 08 2017

DEPT. OF ADMINISTRATION

28-15a-91. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 08 2017

DEPT. OF ADMINISTRATION

28-15a-100. Requirements for public water supply systems using point-of-entry devices or point-of-use devices. The provisions of 40 ~~CFR~~ C.F.R. 141.100, as in effect on ~~July 1, 2003~~ July 1, 2015, are hereby adopted by reference : with the addition of the following text:

“(f) The public water supply system shall not exceed 100 service connections. Each person that operates a public water supply system exceeding 100 service connections that wishes to install any point-of-entry devices or point-of-use devices, or both, shall submit a formal request to the department. Each person that operates a public water supply system shall not proceed with installation of these devices without written approval from the department.”

(Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended

P- _____.)

APPROVED

MAY 19 2017

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MAR 31 2017

DEPT. OF ADMINISTRATION

28-15a-101. Use of bottled water. Each person operating a public water supply system shall ensure that the system uses bottled water only in accordance with 40 ~~CFR~~ C.F.R. 141.101, as in effect on ~~July 1, 2003~~ July 1, 2015 and hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 08 2017

DEPT. OF ADMINISTRATION

28-15a-110. General requirements for treatment techniques. The provisions of 40 ~~CFR~~ C.F.R. 141.110, as in effect on ~~July 1, 2003~~ July 1, 2015, are hereby adopted by reference-, except that “subpart K of this part” shall be replaced by “K.A.R. 28-15a-110.” (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended P-_____.)

APPROVED

AUG 16 2017

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AUG 10 2017

DEPT. OF ADMINISTRATION

28-15a-111. Treatment techniques for acrylamide and epichlorohydrin. The provisions of 40
CFR C.F.R. 141.111, as in effect on ~~July 1, 2003~~ July 1, 2015, are hereby adopted by reference.

(Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended

P-_____.)

APPROVED

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MAR 08 2017

AUG 16 2017

DEPT. OF ADMINISTRATION

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28-15a-130. Disinfectant residuals, disinfection ~~byproducts~~ by-products, and disinfection ~~byproduct~~ by-product precursors: ~~general requirements~~. The provisions of 40 CFR C.F.R. 141.130 through 141.135, as in effect on ~~July 1, 2003~~ July 1, 2015, are hereby adopted by reference, except that “subparts U and V of this part” shall be replaced by “K.A.R. 28-15a-600 and K.A.R. 28-15a-620.” (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended P-_____.)

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AUG 10 2017

AUG 16 2017

DEPT. OF ADMINISTRATION

ATTORNEY GENERAL

28-15a-131. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 08 2017

DEPT. OF ADMINISTRATION

28-15a-132. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 08 2017

DEPT. OF ADMINISTRATION

28-15a-133. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 08 2017

DEPT. OF ADMINISTRATION

28-15a-134. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 08 2017

DEPT. OF ADMINISTRATION

28-15a-135. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

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MAR 08 2017

DEPT. OF ADMINISTRATION

28-15a-151. ~~Applicability of requirement~~ Requirements for consumer confidence reports. The provisions of 40 C.F.R. C.F.R. 141.151 through 141.155 and appendix A to subpart O of part 141, as in effect on ~~July 1, 2003~~ July 1, 2015, are hereby adopted by reference: with the following alterations:

(a) 40 C.F.R. 141.151(f) shall be deleted.

(b) The text in 40 C.F.R. 141.153(d)(1)(i) shall be replaced with the following:

“Contaminants subject to an MCL, action level, maximum residual disinfectant level, treatment technique for regulated contaminants, and those contaminants listed in K.A.R. 28-15a-23 which are not subject to an MCL but are required to be monitored.”

(c) The text in 40 C.F.R. 141.155(c) shall be replaced with the following: “No later than the date a community water supply system is required to distribute the report to its customers, that system shall mail a copy of the report to the department, including a certification of delivery that the report has been distributed to customers and that the information is correct and consistent with the compliance monitoring data contained in the report.” (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended P-_____.)

APPROVED

AUG 16 2017

ATTORNEY GENERAL

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AUG 10 2017

DEPT. OF ADMINISTRATION

28-15a-152. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 08 2017

DEPT. OF ADMINISTRATION

28-15a-153. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 08 2017

DEPT. OF ADMINISTRATION

28-15a-154. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 08 2017

DEPT OF ADMINISTRATION

28-15a-155. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

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MAR 08 2017

DEPT. OF ADMINISTRATION

28-15a-170. ~~General requirements for~~ Enhanced filtration and disinfection requirements for subpart H systems serving 10,000 or more people. The provisions of 40 ~~CFR~~ C.F.R. 141.170 and 40 C.F.R. 141.172 through 141.175, as in effect on ~~July 1, 2003~~ July 1, 2015, are hereby adopted by reference ~~with the following alterations:~~

(a) ~~40 CFR 141.170(c) shall be deleted.~~

(b) ~~40 CFR 141.170(d) shall be replaced with the following: "The persons operating Subpart H public water supply systems that did not conduct optional monitoring under 40 CFR 141.172 because the public water supply systems served fewer than 10,000 persons when such monitoring was required, but serve more than 10,000 persons before January 1, 2005 shall comply with 40 CFR 141.170, 141.171, 141.173, 141.174, and 141.175. The persons operating these public water supply systems shall also consult with the state to establish a disinfection benchmark. Each person that operates a public water supply system who decides to make a significant change to the disinfection practice, as described in 40 CFR 141.172(c)(1)(i) through (iv), shall consult with the state before making the change."~~ except that "this subpart P" shall be replaced by "K.A.R. 28-15a-170." (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended P-_____.)

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AUG 16 2017

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AUG 10 2017

DEPT. OF ADMINISTRATION

28-15a-172. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 08 2017

DEPT. OF ADMINISTRATION

28-15a-173. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

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APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 08 2017

DEPT. OF ADMINISTRATION

28-15a-174. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 08 2017

DEPT. OF ADMINISTRATION

28-15a-175. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

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MAY 19 2017

ATTORNEY GENERAL

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MAR 08 2017

DEPT. OF ADMINISTRATION

28-15a-201. ~~General~~ Requirements for public notification. Each person ~~who~~ that operates a public water supply system shall comply with 40 ~~CFR~~ C.F.R. 141.201 ~~through 141.211~~ and appendices A, B, and C to subpart Q of part 141, as in effect on ~~July 1, 2003~~ July 1, 2015 and hereby adopted by reference, ~~with the exception that endnote 8 to appendix B shall be replaced with the following text:~~

~~“There are various regulations that set turbidity standards for different types of public water supply systems, including 40 CFR 141.13, the 1989 surface water treatment rule (SWTR), the 1998 interim enhanced surface water treatment rule (IESWTR) and the 2001 long term 1 enhanced surface water treatment rule (LTIESWTR). For public water supply systems subject to the IESWTR (systems serving at least 10,000 people, using surface water or groundwater under the influence of surface water) that use conventional or direct filtration, after January 1, 2002, the turbidity level of a public water supply system’s combined filter effluent shall not exceed 0.3 NTU in at least 95 percent of monthly measurements, and the turbidity level of a public water supply system’s combined filter effluent shall not exceed 1 NTU at any time. Public water supply systems subject to the IESWTR using technologies other than conventional, direct, slow sand, or diatomaceous earth filtration shall meet turbidity limits set by the primary agency. For public water supply systems subject to the LTIESWTR (public water supply systems serving fewer than 10,000 people, using surface water or groundwater under the influence of surface water) that use conventional or direct filtration, after January 1, 2005 the turbidity level of a public water supply system’s combined filter effluent shall not exceed 0.3 NTU in at least 95 percent of monthly measurements, and the turbidity level of a public water supply system’s combined filter effluent shall not exceed 1 NTU at any time. Public water~~

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~~supply systems subject to the LT1ESWTR using technologies other than conventional, direct, slow sand, or diatomaceous earth filtration shall meet turbidity limits set by the primacy agency.”~~
except that in 40 C.F.R. 141.201, the last sentence of the introduction shall be deleted.

(Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended

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DEPT. OF ADMINISTRATION

28-15a-202. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

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MAR 09 2017

DEPT. OF ADMINISTRATION

28-15a-203. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 09 2017

DEPT. OF ADMINISTRATION

28-15a-204. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 09 2017

DEPT. OF ADMINISTRATION

28-15a-205. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 09 2017

DEPT. OF ADMINISTRATION

28-15a-206. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 09 2017

DEPT. OF ADMINISTRATION

28-15a-207. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 09 2017

DEPT. OF ADMINISTRATION

28-15a-208. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 09 2017

DEPT. OF ADMINISTRATION

28-15a-209. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 09 2017

DEPT. OF ADMINISTRATION

28-15a-210. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

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MAY 19 2017

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MAR 09 2017

DEPT. OF ADMINISTRATION

28-15a-400. Requirements for the groundwater rule. The provisions of 40 C.F.R. 141.400 through 141.405, as in effect on July 1, 2015, are hereby adopted by reference, except that "this subpart S" shall be replaced by "K.A.R. 28-15a-400." (Authorized by and implementing K.S.A. 65-171m; effective P- _____.)

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AUG 16 2017

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AUG 10 2017

DEPT. OF ADMINISTRATION

28-15a-500. ~~General~~ Requirements for enhanced filtration and disinfection for subpart H systems serving fewer than 10,000 people. (a) ~~The provisions of 40 CFR 141.500 following sections in 40 C.F.R. part 141, as in effect on July 1, 2003~~ July 1, 2015, are hereby adopted by reference, except as specified in this regulation:

(1) 141.500 through 141.503;

(2) 141.530;

(3) 141.531, except that the last sentence shall be deleted and replaced with the following text: "An alternative TTHM and HAA5 data set may be approved by the secretary if a system demonstrates that the alternative data set is more representative of TTHM and HAA5 levels";

(4) 141.532 through 141.536;

(5) 141.540 through 141.544;

(6) 141.550 through 141.553;

(7) 141.560 through 141.564;

(8) 141.570; and

(9) 141.571.

(b) In the portions of 40 C.F.R. part 141 adopted by reference in subsection (a), the phrase "subpart T" shall be replaced by "K.A.R. 28-15a-500." (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended P-_____.)

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AUG 16 2017

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AUG 10 2017

DEPT. OF ADMINISTRATION

28-15a-501. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 09 2017

DEPT. OF ADMINISTRATION

28-15a-502. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED
MAY 19 2017
ATTORNEY GENERAL

APPROVED
MAR 09 2017
DEPT. OF ADMINISTRATION

28-15a-503. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 09 2017

DEPT. OF ADMINISTRATION

28-15a-530. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 09 2017

DEPT. OF ADMINISTRATION

28-15a-531. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 09 2017

DEPT. OF ADMINISTRATION

28-15a-532. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 09 2017

DEPT. OF ADMINISTRATION

28-15a-533. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 09 2017

DEPT. OF ADMINISTRATION

28-15a-534. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 09 2017

DEPT. OF ADMINISTRATION

28-15a-535. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 09 2017

DEPT. OF ADMINISTRATION

28-15a-536. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 09 2017

DEPT. OF ADMINISTRATION

28-15a-540. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 09 2017

DEPT. OF ADMINISTRATION

28-15a-541. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

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MAR 09 2017

DEPT. OF ADMINISTRATION

28-15a-542. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 31 2017

DEPT. OF ADMINISTRATION

28-15a-543. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 09 2017

DEPT. OF ADMINISTRATION

28-15a-544. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 09 2017

DEPT. OF ADMINISTRATION

28-15a-550. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 09 2017

DEPT OF ADMINISTRATION

28-15a-551. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

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APPROVED

MAY 19 2017

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MAR 09 2017

DEPT OF ADMINISTRATION

28-15a-552. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 09 2017

DEPT. OF ADMINISTRATION

28-15a-553. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 09 2017

DEPT. OF ADMINISTRATION

28-15a-560. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 09 2017

DEPT. OF ADMINISTRATION

28-15a-561. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 09 2017

DEPT. OF ADMINISTRATION

28-15a-562. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 31 2017

DEPT. OF ADMINISTRATION

28-15a-563. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 09 2017

DEPT. OF ADMINISTRATION

28-15a-564. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 09 2017

DEPT. OF ADMINISTRATION

28-15a-570. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

APPROVED

MAR 09 2017

DEPT. OF ADMINISTRATION

28-15a-571. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked

P-_____.)

APPROVED

MAY 19 2017

ATTORNEY GENERAL

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MAR 09 2017

DEPT. OF ADMINISTRATION

28-15a-600. Initial distribution system evaluations of the stage 2 disinfection by-products rule.

The provisions of 40 C.F.R. 141.600 through 141.605, as in effect on July 1, 2015, are hereby adopted by reference, with the following alterations:

(a) "Subpart U of this part" shall be replaced by "K.A.R. 28-15a-600."

(b) "Subpart V of this part" shall be replaced by "K.A.R. 28-15a-620."

(c) "Subpart L of this part" shall be replaced by "K.A.R. 28-15a-130." (Authorized by and implementing K.S.A. 65-171m; effective P-_____.)

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AUG 16 2017

DEPT. OF ADMINISTRATION

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28-15a-620. Disinfection by-products requirements of the stage 2 disinfection by-products rule. The provisions of 40 C.F.R. 141.620 through 141.629, as in effect on July 1, 2015, are hereby adopted by reference, except that “subpart V of this part” shall be replaced by “K.A.R. 28-15a-620” and “subpart L of this part” shall be replaced by “K.A.R. 28-15a-130.” (Authorized by and implementing K.S.A. 65-171m; effective P-_____.)

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28-15a-700. Enhanced treatment for *Cryptosporidium*. The provisions of 40 C.F.R. 141.700 through 141.711 and 40 C.F.R. 141.713 through 141.722, as in effect on July 1, 2015, are hereby adopted by reference, with the following alterations:

(a) "This subpart W" shall be replaced by "K.A.R. 28-15a-700."

(b) "Subparts H, P and T of this part" shall be replaced by "K.A.R. 28-15a-70, K.A.R. 28-15-170, and K.A.R. 28-15-500." (Authorized by and implementing K.S.A. 65-171m; effective P-_____.)

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28-15a-851. Requirements for the revised total coliform rule. The provisions of 40 C.F.R. 141.851 through 141.861, as in effect on July 1, 2015, are hereby adopted by reference with the alterations specified in this regulation.

(a) Exclusions. The following portions of 40 C.F.R. 141.851 through 141.861 shall be excluded from adoption:

- (1) 40 C.F.R. 141.854(a)(4), (b), (c), (d), (e), (f), (g), and (h);
- (2) 40 C.F.R. 141.855(b), (c), (d), and (e);
- (3) 40 C.F.R. 141.856(b) and (c);
- (4) 40 C.F.R. 141.857(b), (c), and (d); and
- (5) 40 C.F.R. 141.859(a)(2)(iii).

(b) Modifications. The following modifications shall be made to 40 C.F.R. 141.854 and 141.855:

(1) In 40 C.F.R. 141.854(i)(2), the following text shall be deleted: “unless it meets the criteria in paragraphs (i)(2)(i) through (iii) of this section to be eligible for monitoring less frequently than monthly beginning April 1, 2016, except as provided under paragraph (c) of this section.”

(2) In 40 C.F.R. 141.854(i)(3), the following text shall be deleted: “except that systems that monitor less frequently than monthly must still monitor during the vulnerable period designated by the State.”

(3) In 40 C.F.R. 141.854(j), the following text shall be deleted from the first sentence: “collecting samples on a quarterly or annual frequency.”

(4) In 40 C.F.R. 141.855(f), the following text shall be deleted from the first sentence:

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“collecting samples on a quarterly frequency.” (Authorized by and implementing K.S.A. 65-171m; effective P-_____.)

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